

REMARKS/ ARGUMENTS

Claims 17-20, 23-34 and new claims 35 and 36 are pending in the application.

Reconsideration and withdrawal of all outstanding rejections are hereby respectfully requested in view of the above amendments and the following remarks.

Claims 15, 17-21, 23-34 stand rejected under 35 USC 103(a) as being unpatentable over US Patent 5,874,204 ("Sugawara") in view of US Patent 6,294,066 ("Mani") and US Patent 3,764,503 ("Lancy"). This rejection is respectfully but strenuously traversed and reconsideration and a withdrawal of the rejection is respectfully requested.

Examiner contends that Sugawara discloses a method and device comprising an electrodialysis arrangement having diluate compartments and a concentrate compartment separated by ionic exchange membranes, and main cationic exchangers for removing metal ions from the concentrate fluid (citing to col. 12, lines 34-63 and figures 1-4 of Sugawara). The Office Action acknowledges that Sugawara is deficient in that it does not disclose the solution being treated is from a metal plating bath. The Office Action rejection attempts to fill this deficiency with the Lancy patent, contending that Lancy shows treatment of a metal plating bath with the electrodialysis and cationic exchange treatment (citing to figs. 4-6).

The Office Action concludes that it would have been obvious to combine the teachings in order to arrive at the Applicant's present invention.

Applicant's invention is distinguishable over the cited prior references. First, Applicant has amended the claims to render the rejection with respect to Sugawara, Mani and Lancy moot. Claims 16 and 22 have been rewritten as new claims 35 and 36, respectively. Claims 16 and 22 were not rejected over the cited combination of references and each dependent claim in the case

now depends from either claim 35 (originally claim 16) or claim 36 (originally claim 22). In addition, Applicant points out that that Sugawara does not disclose an electrodialysis apparatus for the treatment of a metal plating bath. Rather, the electrodialysis apparatus of Sugawara relates to the desalting of photo resist development waste. The Sugawara electrodialysis apparatus comprises first compartments into which the solution to be desalted is guided and which are separated from second compartments which contain a solution which receives the waste products from the desalting procedure (TAA^{+} ions and OH^{-} ions). The first compartments are separated from the second compartments on the anode side thereof by anion exchange membranes and on the cathode side thereof by cation exchange membranes (see Fig. 1). In addition, Lancy discloses electrodialysis regeneration of metal containing acid solutions (copper electroplating solutions) which comprises a catholyte compartment, a copper solution compartment and an anolyte compartment, wherein the copper solution compartment is separated from the anolyte compartment by a cationic exchange membrane and from the catholyte compartment by an anion exchange membrane. Furthermore, Lancy discloses using a cationic exchange column to plate out metal ions (see Fig. 4, col. 5, line 17-34). Accordingly none of the cited documents discloses the Applicant's device comprising two electrodialysis arrangements which have the membranes as set forth in claims 16 and 22, now new claims 35 and 36, respectively.

For the above reasons, Applicant respectfully requests reconsideration and a withdrawal of the rejection in view of the amendments and new claims.

Claims 15-34 stand rejected on the ground non statutory obviousness-type double patenting, as being unpatentable over claims 1-13 of US Patent No. 6,379,517 in view of Mani as applied above. This rejection is respectfully but strenuously traversed in view of the Applicant's

Amendment in response to the office action dated September 16, 2008

Response Dated: December 15, 2008

submission of a terminal disclaimer. Applicant is obtaining a terminal disclaimer which it plans to submit with the required fee in order to overcome the double patenting rejection, and therefore requests that this requirement be held in abeyance until this is the only rejection remaining in the case.

For the above reasons Applicant submits that the claims, as now presented, overcome the rejections and should be patentable.

If further matters remain in connection with this Office Action the Examiner is invited to telephone the Applicant's undersigned representative to discuss them.

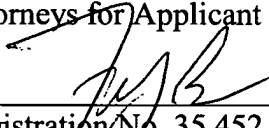
If an extension of time or a further extension of time is required, the Commissioner is hereby authorized to consider this a request for an appropriate extension of time.

Respectfully submitted,

Frank J. Bonini, Jr.

HARDING, EARLEY, FOLLMER & FRAILEY

Attorneys for Applicant


Registration No. 35,452

P. O. Box 750

Valley Forge, PA 19482-0750

Telephone: 610-935-2300

Date: 12/15/08